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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/755,467  | 01/05/2001  | Robert J. Fletcher   | SW7181US            | 4998             |
| 22203   | 7590        | 12/01/2003           | EXAMINER            |                  |
| MARK KUSNER COMPANY LPA<br>HIGHLAND PLACE SUITE 310<br>6151 WILSON MILLS ROAD<br>HIGHLAND HEIGHTS, OH 44143 |             |                      | HEWITT II, CALVIN L |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3621                |                  |

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/755,467             | FLETCHER ET AL      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Calvin L Hewitt II     | 3621                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 January 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-39 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Status of Claims***

1. Claims 1-39 have been examined.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4-12, 14-23, 25-33, and 35-39 are rejected under 35 U.S.C.

103(a) as being unpatentable over Shkedy, U.S. Patent No. 6,260,024 in view of Hartman et al., U.S. Patent No. 5,960,411.

As per claims 1, 2, 4-12, 14-23, 25-33, and 35-39, Shkedy teaches a, internet procurement system comprising:

- means for receiving and transmitting user private procurement transactions, a supplier system (figure 1)
- security means operable only by the user for electronically authenticating user communications (e.g. orders, confirmations of receipt, etc.) in a manner that associates a user with a message (e.g. nonrepudiation)

- (figures 3, 4 and 12-14; column 7, lines 5-12; column 21, lines 25-51; column 23, lines 13-37; column 24, lines 40-54; column 27, lines 35-62)
- a supplier system for receiving authenticated user messages, transmitting transaction information, processing user orders and interfacing with a supplier legacy system (figures 1 and 10)
- a secure procurement system comprising communication means for transmitting and receiving data between a user system and a supplier system (figure 1)
- a database server comprising authenticated private procurement transactions and a product catalog (figures 2, 2A and 5)
- a certificate authority for facilitating the authentication of procurement transactions through the use of certificates (e.g. issuing certificates to a user) and generating unique encryption/decryption keys to each user (figure 16; column 10, lines 1-25; column 21, lines 24-44; column 24, lines 40-54; column/line 25/30-26/19)
- a connection linking supplier, buyer, procurement and certificate systems to provide a secured connection between nodes and a verifiable chain of custody for goods and services procured by a user (figures 1-16; column 24, lines 40-54; column 25, lines 30-61)
- means for performing business rules analysis using the order, notification or confirmation of receipt (figures 1-16; column 27, lines 35-62)

- means for alarming potential instances of diversion or loss of goods/services (figures 2A and 12-16)

Shkedy teaches an arbitration process (column 27, lines 35-62) where the arbiter reviews evidentiary documents from the buyer and/or seller detailing shipping and order data to determine whether a party has fulfilled its obligations according to the order (column 27, lines 35-62). Therefore, it would have been obvious to one of ordinary skill for the arbiter to obtain and collate transaction documents in order to shed light on the matter and render a correct decision. However, Shkedy does not specifically recite notification of provision of goods/services. Hartman et al. teach notification of provision of goods and services (figures 1B and 5) and storing user's shipping address (figures 1A and 8A-B). Regarding EDI, Shkedy implements his system over communications networks such as the internet (column/line 8/55-9/2). Hence, it would have been obvious to one of ordinary skill to exchange transaction data using any of the technologies accessible to one of ordinary skill such as SGML, EDI, SET or XML. Therefore, it would have obvious to combine Walker et al. with Hartman et al. in order to allow sellers to provide evidence of order fulfillment.

4. Claims 3, 13, 24, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shkedy, U.S. Patent No. 6,260,024 and Hartman et al., U.S.

Patent No. 5,960,411 as applied to claim 2 above and in further view of Herman et al., U.S. Patent No. 6,341,353.

As per claims 3, 13, 24, and 34, Shkedy teaches a secure procurement system for establishing a secured audit trail comprising a buyer, seller, certificate, and procurement system for (figures 1 and 16). Shkedy also teaches dispute resolution system comprising the analysis of shipping documents (column 27, lines 35-62). Hartman et al. teach shipping notices such as an electronic notification of provision of goods and services (figures 1B and 5). However, neither Shkedy nor Hartman et al. explicitly recite initiating a time period within which to receive a confirmation of receipt corresponding to a notification. Herman et al. teach a smart receipt system for identifying potential fraud and using encryption technologies for nonrepudiation that comprises a time period for receiving a confirmation of receipt (column/line 22/20-23/5). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Shkedy, Hartman et al., and Herman et al. in order to allow sellers to sell their items to another if the seller detects potential fraud in the buyer ('353, column 22, lines 55-65).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Burchetta et al. teach a dispute resolution system
- Ordish et al. teach an offer matching system with timing mechanism for completing a transaction
- Barnes et al. teach an electronic procurement system

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 2100  
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

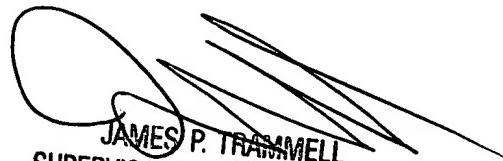
(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,  
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

November 17, 2003



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600